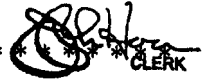


FILED

JAN 05 2009

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION


CLERK

SAMUEL BOSTON,

CIV. 07-4189

Plaintiff,

vs.

TIM REISCH; DOUG WEBER;
DARYL SLYKHUIS; MANISH SHETH;
ROBERT STRAYHAN; ULISES PESCE;
JUSTIN FALON; CRAIG KLEINSASSER;
JOHN ERPENBACH; LUTHER HEGLAND;
JOHN DURSO; DON BAUM; DONNA REIT;
E.R. REGIER; ANDY VOSS;
ALAN BREVICK; DON GILCHRIST;
MANJOT LEAFGREEN; MARK STYLE;
A JOHN DOE CORPORATION;
THE STATE OF SOUTH DAKOTA; and
THE SOUTH DAKOTA DEPARTMENT
OF CORRECTIONS;

Defendants.

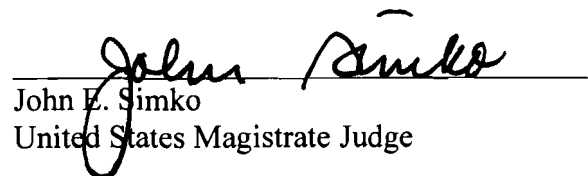
ORDER OF DISMISSAL

Pending is the Motion to Dismiss (Doc. 26) filed by Plaintiff Samuel Boston requesting this case be dismissed prior to service pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Good cause appearing it is hereby

ORDERED that Plaintiff's Motion to Dismiss (Doc. 26) is GRANTED and this case is dismissed without prejudice.

Dated this 5 day of January, 2009.

BY THE COURT:


John E. Simko
United States Magistrate Judge